



- Sec.  
2620. Procedural rights of persons subject to plan.  
     (a) Administrative proceedings; petition; hearing; finality of ruling.  
     (b) Judicial review; jurisdiction; complaint; remand; relief during pendency of proceedings.
2621. Enforcement.  
     (a) Jurisdiction of United States district courts; administrative action.  
     (b) Civil penalties; cease and desist orders; appeal; failure to comply with order or assessment; further proceedings and penalties.
2622. Investigations.  
     (a) Administration of oath; subpoena; contempt; process; jurisdiction.  
     (b) Self-incrimination; privilege.
2623. Referendum.  
     (a) Secretary's duty to conduct; purpose of referendum.  
     (b) Required margin of approval.  
     (c) Amendments.  
     (d) Penalties for disclosure of confidential information, ballots and reports.
2624. Suspension or termination of plans.  
     (a) Duty of Secretary.  
     (b) Referendum.  
     (c) Limitation.
2625. Amendment procedure.  
 2626. Separability.  
 2627. Authorization.

### § 2611. Congressional findings and declaration of policy

Potatoes are a basic food in the United States and foreign countries. They are produced by many individual potato growers in every State in the United States and imported into the United States from foreign countries. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes.

Potatoes and potato products move in the channels of interstate or foreign commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this chapter that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use and imported into the United States from foreign countries, and the carrying out of an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes and potato products.

(Pub. L. 91-670, title III, §302, Jan. 11, 1971, 84 Stat. 2041; Pub. L. 101-624, title XIX, §1936, Nov. 28, 1990, 104 Stat. 3865.)

#### AMENDMENTS

1990—Pub. L. 101-624, in first par., inserted “and foreign countries” and “and imported into the United

States from foreign countries” and struck out at end “Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.”; in second par., struck out “, in a large part,” after “products move”, inserted “or foreign”, and struck out at end “All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.” and, in third par., inserted “and imported into the United States from foreign countries” and substituted “and potato products” for “produced in the United States”.

#### EFFECTIVE DATE

Section 319 of title III of Pub. L. 91-670 provided that: “This title [this chapter] shall take effect upon enactment [Jan. 11, 1971]”.

#### SHORT TITLE OF 1990 AMENDMENT

Section 1935 of Pub. L. 101-624 provided that: “This subtitle [subtitle C (§§1935-1946) of title XIX of Pub. L. 101-624, amending this section and sections 2612 to 2614, 2617 to 2619, and 2622 to 2624 of this title, and enacting provisions set out as a note under section 2625 of this title] may be cited as the ‘Potato Research and Promotion Act Amendments of 1990’.”

#### SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-244, §1, Aug. 26, 1982, 96 Stat. 310, provided: “That this Act [amending sections 2617, 2621, and 2623 of this title] may be cited as the ‘Potato Research and Promotion Act Amendments of 1982’.”

#### SHORT TITLE

Section 301 of title III of Pub. L. 91-670 provided that: “This title [enacting this chapter] may be cited as the ‘Potato Research and Promotion Act’.”

### § 2612. Definitions

As used in this chapter:

(a) The term “Secretary” means the Secretary of Agriculture.

(b) The term “person” means any individual, partnership, corporation, association, or other entity.

(c) The term “potatoes” means all varieties of Irish potatoes grown by producers in the 50 States of the United States, and grown in foreign countries and imported into the United States.

(d) The term “handler” means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this chapter or in the rules and regulations issued thereunder.

(e) The term “producer” means any person engaged in the growing of five or more acres of potatoes.

(f) The term “promotion” means any action taken by the National Potato Promotion Board, pursuant to this chapter, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

(g) The term “importer” means any person who imports tablestock, frozen, or processed potatoes for ultimate consumption by humans or seed potatoes into the United States.

(Pub. L. 91-670, title III, §303, Jan. 11, 1971, 84 Stat. 2041; Pub. L. 101-624, title XIX, §1937, Nov. 28, 1990, 104 Stat. 3866.)